

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRISTOPHER SANDERS, SR.,
 Plaintiff(s),

v.

THE CITY AND STATE OF LAS NEVADA, et al.,
 Defendant(s).

Case No. 2:18-cv-01150-JCM-NJK

REPORT AND RECOMMENDATION

Plaintiff is a prisoner bringing this case *pro se*.¹ District courts screen complaints brought by prisoners seeking redress from governments entities and their officers or employees. 28 U.S.C. § 1915A. A complaint, or portion thereof, should be dismissed for failure to state a claim upon which relief may be granted “if it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claims that would entitle him to relief.” *Buckey v. Los Angeles*, 968 F.2d 791, 794 (9th Cir. 1992). A complaint may be dismissed as frivolous if it is premised on a nonexistent legal interest or delusional factual scenario. *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989). Moreover, “a finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). When a court dismisses a complaint, the plaintiff should be given leave to amend with directions

¹ Plaintiff neither paid the filing fee nor filed an application to proceed *in forma pauperis*. Given the recommendation herein, the Court declines to address that deficiency.

1 as to curing its deficiencies, unless it is clear from the face of the complaint that the deficiencies could not
2 be cured by amendment. *See Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

3 In this case, Plaintiff appears to be subject to criminal proceedings in another jurisdiction or
4 jurisdictions. Plaintiff alleges that the government “got the wrong guy,” as can be proven by his celebrity
5 wife (Solange Knowles) and celebrity friends (Jay Z and Will Smith). *See* Docket No. 1-1 at 3.

6 In light of the frivolous and delusional nature of Plaintiff’s claims, the undersigned
7 **RECOMMENDS** that Plaintiff’s complaint be **DISMISSED** with prejudice.

8 Dated: June 28, 2018

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10 
NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE

11
12 **NOTICE**

13 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in writing
14 and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme Court has
15 held that the courts of appeal may determine that an appeal has been waived due to the failure to file
16 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh’g denied*, 474 U.S. 1111
17 (1986). The Ninth Circuit has also held that (1) failure to file objections within the specified time and (2)
18 failure to properly address and brief the objectionable issues waives the right to appeal the District Court’s
19 order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153,
20 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).